

LOS ANGELES BAR BULLETIN



IMPORTANT NOTICE!

THIS issue contains the notice required by the By-Laws to be given to all members of the meeting of the Association to be held November 17, 1943, at 12:30 o'clock, p.m., for the purpose of electing a nominating committee and of acting on several proposed amendments to the Constitution and By-Laws of the Association. You are urged to read the proposed amendments which are contained in this issue and to be ready to vote on them.

The speaker will be Hon. Emmet H. Wilson, Presiding Judge of our Superior Court.

The meeting will be held in the ball-room of the Biltmore Hotel. Make your reservations now!

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LOS ANGELES BAR BULLETIN

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VOL. 19**NOVEMBER, 1943****No. 3**

OFFICERS

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THANKSGIVING

ONCE more, as the weary months of war and all its consequences follow one upon another, tradition brings us to that time when we pause to give thanks for the good things that have come to us during the year. This year, perhaps more than ever, we are reminded that the Pilgrims with whom the feast originated were not without hardships and deprivations equal in their day to those we have today.

We may well give thanks that we as a nation have the capacity and the will to carry on the great task of winning this war, no matter how much we grieve. While unduly beset with strikes, we may give thanks that our armed forces under able leadership, are forging ahead regardless of the hours they labor, with the knowledge that ultimate victory is certain. While fighting enemies whose governments are founded on the doctrine that might makes right, we are thankful for the privilege of doing our daily work, of forming our own opinions, and of taking an active part in our own government.

Mindful of the devastation which follows in the wake of war, we are thankful for the security of our daily lives, and for the knowledge that each day, with all its regulations, will still be what we make it for ourselves. We are thankful, too, that the sun and stars which have lighted all the wars of mankind will still shine upon this earth when peace returns and we may all resume a normal way of living.

P. McC.

ON THE FIGHTING FRONT

By A. R. Kimbrough, of the Los Angeles Bar

THE number on the service flag in the Association offices reached 285 when the names of those entering service this month were added to the list. When the number of members serving the war effort in non-military capacities is added to the total the Association can justly feel proud of the contribution being made by the membership.

Latest information reveals that another Los Angeles attorney has been promoted to the rank of Lieutenant Colonel. Lieut. Col. Keene Watkins is stationed with the Army Air Forces in Washington, D. C.

Members of the Association advise of present assignments as follows: Lieut. (j.g.) Knox Farrand, U.S.N.R., is on a merchant ship in charge of a gun crew. Lieut. Harold J. Richardson U.S.N.R. leaves Camp Scott for the east for sea duty. Marvin Wellins is now at the U. S. Coast Guard Base at Wilmington, California after a tour of duty with a convoy. Lieut. Emmet H. Wilson, Jr., leaves the local Office of Naval Officer Procurement for an undisclosed destination in the east. Capt. Stephen M. Farrand is in Washington, D. C., with the office of the Provost Marshal General, Prisoner of War Division.

Lieut. (j.g.) Caryl Warner is now with the Naval Aviation Volunteer Service according to advices. Lieut. Samuel W. Yorty, U.S.A.A.F., is reported present in the South Pacific and has sent home a Japanese garrison flag. Also reported in the South Pacific is Capt. Wm. F. Hall U.S.M.C. Capt. Hall was formerly with the local United States Attorney's office.

Lieut. (j.g.) Robert P. Hastings U.S.N.R. advises that his new address is Bureau of Aeronautics, Washington, D. C.

The names of the members sending the armed forces to the total of 285 are:

Loring, George W., Sgt. U.S.A.

Hotchkiss, Harold, Cpl., Coast Art., U.S.A.

If any members of the Association have information about the men and women in service please send it to the office of the secretary.

If it befalleth me as it befalleth the fool, why should I labor to be more wise?—Solomon.

A WORD FROM THE PRESIDENT

ELSEWHERE in this issue of the BAR BULLETIN you will read the proposed amendments to the Constitution and the By-Laws which have been presented to the Board of Trustees and will be submitted to the members at the November 17th meeting.

Sustaining Memberships:

One of these amendments, sponsored by the Past Presidents' Committee, would establish a new membership classification for those who choose to become "Sustaining Members". By the terms of the proposed amendment "Any member of the Association may become a sustaining member upon payment of \$25 dues during any calendar year, which sum shall include his regular membership dues and a subscription to the BAR BULLETIN for such year."

With approximately twenty per cent of our normal membership now serving the armed forces—their dues to the Association remitted for the duration—we must look to ways and means of supplementing present revenues. Adoption of the amendment would authorize your officers and trustees to seek supplemental financial support through sustaining memberships. This method of augmenting normal sources of revenue is now being employed with marked success by the American Bar Association.

Endowment:

A second proposed amendment to the Constitution would empower the Board of Trustees to "adopt any convenient means whereby gifts, donations, bequests and devises from members and others, to be used in furthering the activities and objects of the Association may be received, held, administered and disposed of . . ."

Sponsored by the Past Presidents' Committee, this amendment contemplates the organization of a "non-profit endowment corporation bearing the name 'Los Angeles Bar Association Endowment' or other suitable name."

The 1942 report of the Association of the Bar of the City of New York contains a long list of endowment funds, ranging from five hundred to many thousands of dollars and aggregating well more than one million dollars, which individual members of the New York Bar have established in furtherance of the objectives of their bar association. While the wealth of Los

Angeles does not—as yet—equal that of New York, I feel confident our members will, if encouraged, build a substantial endowment for our Association.

Committees and Sections:

A third amendment sponsored by the Past Presidents' Committee would vest in the Board of Trustees the discretionary power to direct the appointment or discontinuance, and to specify the duties, of any standing or special committee or any section of the Association. As Article VIII of the By-Laws now stands, some doubt exists as to the authority of the Board of Trustees to discontinue or alter the duties of any of the standing committees as specified therein. Adoption of the proposed amendment would remove this doubt.

With the establishment of the nine new Sections, it becomes desirable to confer upon the Board of Trustees the express authority to make appropriate changes from time to time in the number and functions of the standing committees. For example, the existence of an active Section on Criminal Law will render unnecessary the appointment of a standing Committee on Criminal Law and Procedure as directed in the by-laws. By the same token, a functioning Section on Probate, Real Property and Trusts will fill the need for a standing Committee on Probate Law and Procedure; and the Section on Municipal and Public Utility Law will serve the purpose intended for the standing Committee on Municipal Corporations.

Junior Barristers:

A proposed amendment sponsored by Chairman Homer Bell and other members of the Junior Barristers Committee is designed to simplify membership of junior men, by removing the age criterion and leaving admission to practice "by examination within seven years" as the single requirement.

Existing by-law provisions compel the Bar Association office to do the double duty of following two variables—age and date of admission—thus imposing an unreasonably great burden in record keeping. Moreover, adoption of the proposal will make identical the categories set up in the by-laws to govern the membership and dues of both junior men and junior women.

Public Defender's List:

Another amendment, sponsored by the Committee on Lawyers Reference Service, is intended to delete from our by-laws

the last vestige of authority for the so-called "Public Defender's List" of attorneys. Until the Lawyers Reference Service was established, it was necessary for public officials to look to the Bar Association for assistance in compiling lists of attorneys to whom laymen inquiring at such public offices could be referred. This system led to many inequities and some abuses, the major one of which was the practice of some public officials and public agencies in compiling their own private lists and instructing members of their office to refer the lay public only to attorneys whose names appeared among the select.

Registration in the Lawyers Reference Service is open to all lawyers in good standing—both members and non-members of the Bar Association—upon equal terms. The annual registration fee for attorneys is \$3. All registration fees are spent in maintaining, operating and publicizing the Service.

References to attorneys through the Service are made in strict rotation, an unquestionably fair and equitable manner. Inasmuch as the plan of operating and publicizing the Lawyers Reference Service has been approved by the Committee on Professional Ethics and Grievances of the American Bar Association (Opinion No. 227), it seems clearly unnecessary for any public official or agency in Los Angeles County to maintain or operate a private reference list.

Legal Ethics:

The purpose of another proposed amendment to the By-Laws is to enlarge the scope of the powers and duties of our Committee on Legal Ethics so as to make them commensurate, in the local sphere, with the powers and duties now exercised by the Committee on Professional Ethics and Grievances of the American Bar Association in the national sphere. [See: Sec. 12 of Article X, By-Laws of A. B. A.; 62 A. B. A. Reports (1942), p. 425.]

There are, I think, at least three sound reasons why the amendments should be adopted:

First: In order properly to coordinate their action with that of the national committee and effectively to supplement the work of the national committee, ethics committees of local bar associations should have powers and duties in their local sphere commensurate with those of the American Bar Association committee in the national sphere;

Second: The State Bar has jurisdiction only of (a) violations of the Business and Professions Code, and (b) violations of the State Bar Rules of Professional Conduct. And in these matters the State Bar concerns itself with only those offenses which appear to be sufficiently serious to warrant and to prompt disciplinary action by our Supreme Court. The State Bar has no power—and no facilities even if it possessed the power—to bring about a discontinuance of violations of the Canons of Professional Ethics or other unprofessional practices which bring our profession into discredit and disrepute, but do not happen to fall within either category (a) or (b) above stated. Manifestly, our Association should *actively* aid and supplement the work of the State Bar in encouraging a higher plane of professional conduct;

Third: Most unethical and unprofessional practices occur and recur through ignorance, or thoughtlessness or carelessness. Today our Committee on Ethics must stand mute in the face of unethical and unprofessional practices, unless perchance the opinion of the Committee be requested. If the Committee were empowered actively to suggest to offenders that they conform their conduct to accepted standards, it seems certain that a real service would be rendered to many well-intentioned members who inadvertently bring discredit upon themselves and their profession.

Plebiscite:

Another constructive amendment to the By-Laws is that relating to the Plebiscite. This amendment is, in a large measure, the result of the work of a special committee appointed several months ago to study the plebiscite. It is sponsored by the Board of Trustees.

By the proposed amendment the taking of a plebiscite would not be mandatory, as under existing provisions, but would be discretionary with the Board of Trustees [§1]. Bar Association endorsement would go to "the candidate for each office who receives the largest number of votes . . ." So-called "single-shotting" to build up the comparative vote of a single candidate would be prohibited [§1(a)]. Biographical data and ". . . any other matters of fact relating to any candidate which the Committee shall deem of assistance to voters in the plebiscite,

shall be publicized at such time and in such form and manner as the Committee shall consider proper" [§1(b)].

Each plebiscite would be followed by a campaign (§2) intended to ensure the election or appointment of Bar-Association-endorsed candidates. Section 3 deals with the raising of funds for such campaigns. Section 4 states certain rules based upon principles which have always been recognized as part of the spirit of the plebiscite. Section 5 would permit the Trustees in their discretion to extend the plebiscite to include candidates for election or appointment to any "judicial office" as defined in section 6.

I urge all of you to give thoughtful consideration to each of the proposed amendments. As for myself, I heartily favor each of them as being constructive steps in the growth of an active agency of a great profession.

Wm. C. Mather

COMMENT AND CRITICISM

Decreasing Bar: War's effect upon the legal profession, as to numbers, has been marked. It has been stated, with some authority, that in 1938 there were about 29,000 law students enrolled in 110 approved schools. In March of this year there were 5,856, and this enrollment has since suffered a further reduction. Probably 25 percent of the young practitioners are in the armed forces, most of whom may not return in less than two years. It is easy to see that for several years following the peace, there will be a substantial reduction in available lawyers. Whether there will be an actual "shortage", seems to depend upon conditions following the peace; principally, whether business is permitted to operate freed of governmental regulation.

Membership Increase: It is gratifying to note the increase in the Association's membership from month to month, as published in the BAR BULLETIN, in spite of the war's adverse effect upon the profession. This increase is almost entirely due to the efforts of members of the Past President's Committee, which has been untiring in its efforts not only to induce many who had, for one reason or another, neglected to renew their memberships, but to convince others to join and take advantage of the services now offered by the Association.

NEW AMENDMENTS OFFERED

Notice of Proposed Amendments to the Constitution and the By-Laws

TO THE MEMBERS OF THE LOS ANGELES BAR ASSOCIATION:

Please be advised that, in accordance with Article XI of the Constitution and Article X of the By-Laws of the Los Angeles Bar Association, NOTICE IS HEREBY GIVEN:

—That there have been presented to the Board of Trustees certain proposed amendments to the *Constitution* of the Los Angeles Bar Association; that said proposed amendments will be submitted to the members at the next meeting of the Association, to be held in the Ballroom of the Hotel Biltmore in the City of Los Angeles, on November 17, 1943, at the hour of 12:15 o'clock P.M.; and, as required by the provisions of Article XI of the Constitution, the sponsors will present said proposed amendments for adoption at the succeeding meeting of the Association, which will be held on December 8, 1943, at the hour of 12:15 o'clock P.M. in the Ballroom of the Hotel Biltmore in the City of Los Angeles.

—That there have been presented to the Board of Trustees certain proposed amendments to the *By-Laws* of the Association, and the sponsors will move the adoption of said proposed amendments at the next meeting of the Association to be held on November 17, 1943, at the hour of 12:15 o'clock P.M. in the Ballroom of the Hotel Biltmore in the City of Los Angeles.

—That copies of said proposed amendments, as presented to the Board of Trustees, are as follows:

(1.) *To Authorize Sustaining Memberships:*

NOTICE OF PROPOSED AMENDMENTS TO ARTICLE III OF THE CONSTITUTION OF THE LOS ANGELES BAR ASSOCIATION

TO THE MEMBERS OF THE LOS ANGELES BAR ASSOCIATION:

YOU ARE HEREBY NOTIFIED that the undersigned members of the Los Angeles Bar Association do hereby propose the following amendments to the Constitution of the Los Angeles Bar Association.

AND YOU ARE FURTHER NOTIFIED that the sponsors of said amendments, whose signatures appear below, will submit said amendments at the next meeting of the Association, which

will be held on November 17, 1943, at the hour of 12:15 o'clock P.M. in the Ballroom of the Hotel Biltmore in the City of Los Angeles, and that said sponsors will move the adoption of said amendments, in accordance with the provisions of Article XI of the Constitution, at the next following meeting of the Association, which will be held on December 8, 1943, at the hour of 12:15 o'clock P.M. in the Ballroom of the Hotel Biltmore in the City of Los Angeles.

(1) It is proposed to amend Section 1 of Article III, entitled "Membership," by inserting therein the words "sustaining members" immediately after the words "active members," so as to add a new membership classification for those who choose to become sustaining members.

(2) It is proposed to add to Article III a new section numbered 2(A) and entitled "Sustaining Members," as follows:

Section 2(A). Sustaining Members. Any Member of the Association may become a sustaining member upon payment of \$25 dues during any calendar year, which sum shall include his regular membership dues and a subscription to the Bar Bulletin for such year. A sustaining member may have his membership transferred to any other eligible membership classification, by filing a written request therefor with the Secretary of the Association.

W. H. Anderson	Kemper Campbell	Edward D. Lyman
Allen W. Ashburn	Richard J. Dillon	John C. Macfarland
Norman A. Bailie	Herbert Freston	Eugene Overton
Frank B. Belcher	Robert P. Jennings	Irving M. Walker
George Breslin	Lawrence L. Larrabee	

Sponsors of the foregoing Amendments.

(2.) *To Authorize Creation of Endowment:*

**NOTICE OF PROPOSED AMENDMENT
TO ADD ARTICLE IV(A) TO
THE CONSTITUTION OF THE LOS ANGELES BAR
ASSOCIATION**

TO THE MEMBERS OF THE LOS ANGELES BAR ASSOCIATION:

YOU ARE HEREBY NOTIFIED that the undersigned members of the Los Angeles Bar Association do hereby propose the following amendment to the Constitution of the Los Angeles Bar Association.

AND YOU ARE FURTHER NOTIFIED that the sponsors of said amendment, whose signatures appear below, will submit said amendment at the next meeting of the Association, which will be held on November 17, 1943, at the hour of 12:15 o'clock P.M. in the Ballroom of the Hotel Biltmore in the City of Los Angeles, and that said sponsors will move the adoption of said amendment, in accordance with the provisions of Article XI of the Constitution, at the next following meeting of the Association, which will be held on December 8, 1943, at the hour of 12:15 o'clock P.M. in the Ballroom of the Hotel Biltmore in the City of Los Angeles.

It is proposed to add a new Article, numbered Article IV(A) and entitled "Endowment," as follows:

ARTICLE IV(A)

ENDOWMENT

The Board of Trustees may adopt any convenient means whereby gifts, donations, bequests and devises from members and others, to be used in furthering the activities and objects of the Association may be received, held, administered and disposed of; and to such end the Board of Trustees may cause to be organized on behalf of the members of the Association, pursuant to the provisions of Title XII, Part 4, Division First, of the Civil Code of the State of California, a non-profit endowment corporation bearing the name "Los Angeles Bar Association Endowment" or other suitable name.*

W. H. Anderson	Kemper Campbell	Lawrence L. Larrabee
Allen W. Ashburn	Richard J. Dillon	John C. Macfarland
Norman A. Bailie	Herbert Freston	Hubert T. Morrow
Frank B. Belcher	R. P. Jennings	Eugene Overton
George Breslin		

Sponsors of the foregoing Amendment.

*Note: If the foregoing amendment be adopted, the sponsors intend to request the Board of Trustees to authorize the immediate organization of Los Angeles Bar Association Endowment, a non-profit corporation, with proposed Articles of Incorporation and By-Laws to be substantially as follows:

PROPOSED ARTICLES OF INCORPORATION OF LOS ANGELES BAR ASSOCIATION ENDOWMENT (A Non-Profit Corporation)

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, having associated ourselves for the lawful pur-

poses hereinafter stated, other than pecuniary profit, do hereby this day voluntarily associate ourselves for the purpose of forming a non-profit corporation pursuant to the provisions of Title XII, Part 4, Division First, of the Civil Code of the State of California, and we do hereby certify:

First: That the name of this corporation is LOS ANGELES BAR ASSOCIATION ENDOWMENT;

Second: That this corporation does not contemplate pecuniary gain or profit to the members thereof;

Third: That this corporation is formed for the following educational, scientific, literary and charitable purposes:

(a) To receive gifts, donations, bequests and devises to be used (1) to advance the science of jurisprudence, (2) to make available and encourage a thorough and continual legal education, (3) to make financially possible the writing and publication of essays, treatises and other literary works by students, teachers and philosophers of the law, (4) to assure adequate legal service for indigent persons, and (5) to further any other charitable, scientific, literary or educational activity or object connected with the study of the law, or the administration of justice;

(b) To acquire, for all or any of the uses aforesaid, all such property of every kind and character and wheresoever situated, which may be donated, given, bequeathed or devised to the corporation;

(c) To hold, use, manage, administer and dispose of all or any of such property; and

(d) To do any and all other things necessary or incident to the accomplishment of the foregoing purposes; provided, however, that no part of the net earnings of the corporation shall inure to the benefit of any member or private individual, and that none of the funds, property or income of the corporation shall be used in attempting to influence legislation by the carrying on of propaganda or otherwise.

Fourth: That the principal office for the transaction of the business of this corporation is to be located in the County of Los Angeles, State of California;

Fifth: That the names and addresses of the persons who are to act in the capacity of directors of this corporation until the selection of their successors are as follows:

Sixth: That the persons above named shall be members of this corporation and shall constitute the directors of this corporation until the selection of their successors;

Seventh: That the number of the directors of this corporation may be changed by a by-law;

Eighth: That no member of this corporation shall be subject to any assessment or liability by reason of membership, other than payment of such membership fees and dues as may be specified in the by-laws of this corporation;

Ninth: That except as otherwise expressly provided in these articles, the by-laws shall govern the conduct of the affairs of this corporation in so far as permitted by the laws of the State of California applicable to non-profit corporations.

IN WITNESS WHEREOF, for the purpose of forming this non-profit corporation under the laws of the State of California, the undersigned, constituting the incorporators of this corporation, have executed these Articles of Incorporation this..... day of....., 1943.

.....

Incorporators

STATE OF CALIFORNIA, County of Los Angeles—SS.

On this.....day of....., 1943,
 before me,, a Notary
 Public in and for said County and State, personally appeared
, known to me
 to be the persons whose names are subscribed to the foregoing
 instrument, and acknowledged to me that they executed
 the same.

IN WITNESS WHEREOF, I have hereunto set my hand
 and affixed my official seal at the said County of Los Angeles, the
 day and year in this certificate first above written.

.....
Notary Public in and for said County and State.

**PROPOSED
 BY - LAWS
 OF
 LOS ANGELES BAR ASSOCIATION ENDOWMENT
 (A Non-Profit Corporation)**

ARTICLE I

Name

The name of this corporation shall be and is LOS ANGELES BAR ASSOCIATION ENDOWMENT.

ARTICLE II

Members and Membership

Section 1. **Qualifications.** The membership of this corporation shall be the same persons who from time to time constitute the membership of the Los Angeles Bar Association. There shall be no fees or dues incident to membership and no member of this corporation shall be subject to any assessment or liability by reason of membership.

ARTICLE III

Section 1. **Annual Meeting.** The annual meeting of the members, for the election of directors and the transaction of such other business as may come before the meeting, shall be held at the same time and place and in conjunction with the annual meeting of the members of the Los Angeles Bar Association. Notice thereof shall be given at the same time and in conjunction with notice of the annual meeting of the Los Angeles Bar Association, and in all events at least five days in advance of such meeting.

Section 2. **Special Meetings.** Special meetings of the members may be called by the President, upon notice given by letter or other means of written communication, addressed to each member at the address appearing upon the membership rolls of the Los Angeles Bar Association, at least ten days prior to the time fixed for such meeting. Such notice shall set forth the general nature of the business, or the proposals to be placed before the members at such special meeting, and shall fix the date, place and hour of such meeting. Notice may, however, be expressly waived by any member. Special meetings must be called within ten days following written request therefor, signed by a majority of the Board of Directors.

Section 3. **Quorum.** Twenty members shall constitute a quorum at any meeting. Voting by proxy shall not be permitted.

ARTICLE IV

Board of Directors

Section 1. **Number and Term of Office.** The affairs of the

corporation shall be managed by a Board of five Directors. One of the original Directors named in the Articles of Incorporation shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years. The division of the respective terms among the original Directors shall be made by the Board of Trustees of the Los Angeles Bar Association. After the first year, one Director shall be elected annually by the members from their own number, to hold office for the term of five years, or until his successor is elected and qualified.

Section 2. Vacancies. Vacancies in the Board of Directors shall be filled by vote of the remaining directors. A Director so chosen shall hold office until the next meeting of the members, at which time the members shall elect a Director for the balance of the unexpired term.

Section 3. Quorum. A majority of the Board of Directors shall constitute a quorum for the transaction of any and all business which may come before it.

Section 4. Meetings of Directors. Regular monthly meetings of the Board of Directors, unless otherwise designated by a resolution of a majority of the Directors or by written consent of all the Directors, shall be held in the County of Los Angeles, State of California, at the corporation's principal place of business on the second Tuesday of each month, at the hour of 12:30 o'clock P. M. The meeting in March shall be the annual meeting for the election of officers. No notice need be given of the time and place of the regular meetings of the Board of Directors. Special meetings of the Board of Directors may be called at any time by the President, by giving written notice to the Directors in person, or by mail or other form of written communication, at least forty-eight hours before the date fixed for such special meeting.

ARTICLE V

Officers

Section 1. Number and Term of Office. The officers shall consist of a President, a Vice-President, a Secretary and a Treasurer, who shall be elected annually by the Board of Directors and shall hold office for the term of one year or until

their successors are elected. The Treasurer shall furnish a corporate surety bond in such amount as the Board of Directors may determine. Premium on such bond shall be paid by the corporation.

Section 2. Duties. The duties of the officers shall be such as usually attach to such offices, and in addition thereto, such further duties as shall be designated from time to time by the Board of Directors. The President or Vice-President and the Secretary or Treasurer shall execute on behalf of the corporation such instruments as are authorized by the Board of Directors.

ARTICLE VI

Gifts, Donations, Bequests and Devises

Section 1. Gifts, donations, bequests and devises may be given directly to Los Angeles Bar Association Endowment with directions that the principal or the income therefrom shall be used for certain specified purposes, or the principal of such gift, donation, bequest or devise may be given to some other person, corporation, or trustee with instructions that the income therefrom shall either be paid to Los Angeles Bar Association Endowment or disbursed in accordance with the instructions of the Board of Directors, provided, however, that the uses and purposes of all such gifts, donations, bequests and devises, of both principal and income, shall be in accord with the purposes specified in the Articles of Incorporation of Los Angeles Bar Association Endowment.

Section 2. Unless some special purpose accompanies a gift, donation, bequest or devise, the Board of Directors may disburse the income for any or all the purposes specified in the Articles of Incorporation of Los Angeles Bar Association Endowment.

Section 3. Unless otherwise provided by the terms of the gift, donation, bequest or devise, this corporation may by vote of four-fifths of its Directors expend the principal, as well as the income, of any gift, donation, bequest or devise, for any or all the purposes specified in its Articles of Incorporation.

Section 4. The Board of Directors shall have authority to name any special fund in honor of the donor or any designee of the donor, and otherwise to segregate and designate

any endowment in such manner as the Board of Directors shall deem proper.

ARTICLE VII

Fiscal Agents

Section 1. The Board of Directors may employ one or more fiscal agents to handle the details of the purchase and sale of securities and generally to carry out the investment program of Los Angeles Bar Association Endowment under the supervision of the Board of Directors.

ARTICLE VIII

Books of Account

Section 1. The books of account shall be audited annually in connection with the annual audit of the books of account of the Los Angeles Bar Association and shall be open to inspection at all reasonable times by any member of the corporation.

ARTICLE IX

Amendments to By-Laws

Section 1. These By-Laws may be amended by a majority vote of the members present at any meeting of the members, provided notice of intention to amend and the terms of the proposed amendment have been given to the members at least five days in advance of such meeting. No amendment shall alter substantially the general objects set forth in the Articles of Incorporation.

(3.) To Clarify Powers of Board of Trustees relative to Committees and Sections:

TO THE BOARD OF TRUSTEES OF THE
LOS ANGELES BAR ASSOCIATION,
1124 Rowan Building, Los Angeles, California.

GENTLEMEN:

The following amendments to the By-Laws of the Los Angeles Bar Association are hereby proposed and submitted to the Board of Trustees by the undersigned sponsors of said amendments in accordance with the provisions of Article X of the By-Laws, with the request that the Board of Trustees notify the membership that the sponsors of the proposed amendments will move the adoption thereof at the meeting of the Association to be held on November 17, 1943, at the hour of 12:15 o'clock P. M., in the Ballroom of the Hotel Biltmore in the City of Los Angeles.

It is proposed to amend Section 1 of Article VIII of the By-Laws, entitled "Committees", to read as follows:

ARTICLE VIII COMMITTEES

Section 1. The Association shall have standing committees to be known by the names and to have the functions as are hereinafter set forth. The committees shall be composed of such number of members as hereinafter provided, or such other number as the President shall determine. The committees shall be appointed annually by the President of the Association with the advice of the Board of Trustees as soon after his election as is practicable, and shall continue in office until the annual meeting next after the appointment and until successors are appointed. *The Board of Trustees may, from time to time, designate other standing committees, either in lieu of or in addition to those hereinafter provided in Section 3 of this Article VIII; and may direct the disbandment and discontinuance of any standing or special committee; and may establish sections of the Association and delegate to any committee or section all or any of the functions of any standing or special committee of the Association.

W. H. Anderson	Richard J. Dillon	John C. Macfarland
Allen W. Ashburn	Herbert Freston	H. T. Morrow
Norman A. Bailie	R. P. Jennings	Eugene Overton
Frank B. Belcher	Lawrence L. Larrabee	Irving M. Walker
George Breslin	Oscar Lawler	Loyd Wright
Kemper Campbell	<i>Sponsors of the foregoing Amendment.</i>	

(4.) To Simplify Junior Barrister Membership Requirements:

TO THE BOARD OF TRUSTEES OF THE
LOS ANGELES BAR ASSOCIATION,
1124 Rowan Building, Los Angeles, California.

GENTLEMEN:

The following amendments to the By-Laws of the Los Angeles Bar Association are hereby proposed and submitted to the Board of Trustees by the undersigned sponsors of said amendments in accordance with the provisions of Article X of the By-Laws, with the request that the Board of Trustees notify the membership that the sponsors of the proposed

*Note: By the amendments, it is proposed to add the language which is printed in black face type.

amendments will move the adoption thereof at the meeting of the Association to be held on November 17, 1943, at the hour of 12:15 o'clock P. M. in the Ballroom at the Hotel Biltmore, in the City of Los Angeles:

It is proposed to amend the twenty-first subdivision of Section 3 of Article VIII, entitled "Junior Committee", to read as follows:

JUNIOR COMMITTEE. There shall be a junior committee, which shall be known as Junior Barristers of the Los Angeles Bar Association, which shall consist of all those male members of the Association (*not over the age of thirty-five years.*)* who have been admitted to practice by examination within seven years. A Chairman, Vice-Chairman, Second Vice-Chairman and Secretary of said committee shall be elected annually by the committee, subject to confirmation by the President and Board of Trustees, from among those of its members who, at the time of election, have been admitted to practice within five years. There shall be an Executive Council of said committee consisting of the officers of said committee and such additional members of the committee as the Chairman shall annually appoint to said Executive Council; provided that at least two-thirds of the appointed members of the Executive Council shall be appointed from among those who have been admitted to practice within five years. The committee shall be governed by such By-Laws as it may see fit to enact, provided that such By-Laws shall not conflict with the Constitution and By-Laws of the Association. It shall be the duty of this committee to stimulate and broaden the young lawyers' acquaintanceship among the members of the Bench and Bar; to form an available working unit which may be used to assist in the activities of the Association; to promote high ethical standards of professional conduct.

A. James Ayres Arthur R. Kimbrough Albert Lee Stephens, Jr.
Homer H. Bell John W. Luhring Robert E. Williams

Sponsors of the foregoing Amendment.

(5.) To Terminate Authority for Public Defender's List:

TO THE BOARD OF TRUSTEES OF THE
LOS ANGELES BAR ASSOCIATION,
1124 Rowan Building, Los Angeles, California.

GENTLEMEN:

The following amendments to the By-Laws of the Los Ange-

*By the amendments, it is proposed to delete from existing provisions the language which is set forth in italics within parenthesis.

les Bar Association are hereby proposed and submitted to the Board of Trustees by the undersigned sponsors of said amendments in accordance with the provisions of Article X of the By-Laws, with the request that the Board of Trustees notify the membership that the sponsors of the proposed amendments will move the adoption thereof at the meeting of the Association to be held on November 17, 1943, at the hour of 12:15 o'clock P. M. in the Ballroom of the Hotel Biltmore in the City of Los Angeles:

It is proposed to amend the nineteenth subdivision of Section 3 of Article VIII, entitled "Committee on Public Defender's List", to read as follows:

Committee on (*Public Defender's List*)* Lawyers Reference Service. The Committee on (*Public Defender's List*) **Lawyers Reference Service** shall consist of (*three (3) nine (9)* members. This Committee shall (*cooperate with the Public Defender of the County of Los Angeles and the Public Defender of the City of Los Angeles when requested by such Public Defender, in the selection of members of the profession to represent persons who may be sent to them by the Public Defender's office on civil matters*) subject to the control of the Board of Trustees, supervise and direct the operation of a lawyers reference service designed to serve laymen, and members of the profession as well, by placing in touch with each other:

- (a) **Members of the profession seeking a specialist or a lawyer experienced in a particular field of the practice;**
- (b) **Laymen of the lower income groups seeking a lawyer who is willing to serve them for a relatively low fee within their means; and**
- (c) **Other laymen seeking a lawyer in a particular field.**

John G. Clock	Calvin L. Helgoe	Vernon P. Spencer
Gerald Desmond	John W. Luhning	Harold L. Watt
Donald A. Dewar	Henry W. Moore	George K. Whitworth
Leonard A. Diether	Milan E. Ryan	

Sponsors of the foregoing Amendment.

*Note: By the amendments, it is proposed to add the language which is in bold face type, and to delete from existing provisions the language which is set forth in italics within parenthesis.

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(6.) To Enlarge Duties of Committee on Legal Ethics:

TO THE BOARD OF TRUSTEES OF THE
LOS ANGELES BAR ASSOCIATION,
1124 Rowan Building, Los Angeles, California.

GENTLEMEN:

Article IX of the Constitution of the Bar Association provides:

"Article IX. CODE OF ETHICS. The Code of Ethics of the American Bar Association and all amendments hereafter adopted thereto shall be the Code of Ethics of this Association."

Section 7 of Article III of the Constitution provides:

"Section 7. Suspension and Expulsion. The By-Laws may provide for the censure, suspension or expulsion of a member for cause after hearing, or for suspension for non-payment of dues. Any member suspended or expelled may be reinstated by vote of a majority of the members of the Board of Trustees."

Article VII of the By-Laws of the Association provides:

"Article VII. CENSURE, SUSPENSION AND EXPULSION. Any member of the Association may be censured, suspended or expelled by the Board of Trustees by the affirmative vote of not less than six (6) members of the Board, for any violation of the Code of Ethics of this Association or for other good cause. Before any such action may be taken, written charges must be filed against the member and written notice of the proposed hearing on such charges must be given to the member charged, at least ten (10) days before the date of such hearing. At any such hearing, the member charged shall be given an opportunity to be heard and to present evidence in answer to such charges.

"The disbarment or suspension from the practice of law of any member shall *ipso facto* terminate his membership in this Association."

The undersigned members feel that the effectiveness of the work of the Association's Committee on Legal Ethics would be greatly increased by enlarging the scope of its powers and duties so as to make them commensurate, in the local sphere, with the powers and duties now exercised by the Committee on Professional Ethics and Grievances of the American Bar Association in the national sphere. (See: Sec. 12 of Article X, By-Laws of A. B. A.; 62 A. B. A. Reports (1942), p. 425.)

Accordingly, the following amendments to the By-Laws of the Los Angeles Bar Association are hereby respectfully proposed and submitted to the Board of Trustees pursuant to the provi-

sions of Article X of the By-Laws, with the request that the Board of Trustees notify the membership that the sponsors of the proposed amendments will move the adoption thereof at the next meeting of the Association:

(1) It is proposed to amend the twelfth subdivision of Section 3 of Article VIII, which is entitled "Committee on Legal Ethics", to read as follows:

Committee on Legal Ethics. The Committee on Legal Ethics shall consist of (*five*) **nine*** members. It shall be the duty of this Committee to take original action or to cooperate with the American Bar Association and other associations of lawyers in the United States in all matters tending to the elevation of the standard of professional honor and conduct.

This Committee may prepare or cause to be prepared articles upon subjects relating to professional ethics and with the approval of the Board of Trustees may publish the same. The Committee may, when requested, answer inquiries respecting questions of proper professional conduct. All hypothetical questions on matters of ethics shall be submitted to the Committee in writing, shall be passed upon by the Committee as a whole and the Committee's opinion shall be rendered in writing. All opinions of the Committee shall be advisory only and it shall be so stated in each opinion.

It shall also be the duty of this Committee:

(a) **To investigate and study ways and means to bring about a discontinuance of acts and practices constituting unprofessional or unethical conduct which shall come to the attention of the committee; to make recommendations to the Board of Trustees with respect thereto; and to adopt and practice such ways and means as the Board of Trustees shall approve;**

(b) **To render and publish, as authorized by the Board of Trustees, the opinion of the Committee regarding any unethical or unprofessional act or practice when, in the judgment of the Committee, such a course would bring about a discontinuance of or tend to discourage such improper conduct;**

(c) **To report to The State Bar of California, as authorized by the Board of Trustees, all violations of the Business and Professions Code, of the State Bar Rules of Professional Conduct, and of the Canons of Professional Ethics which shall come to the attention of the Committee and shall be of such character, in the judgment of**

*Note: By the amendments, it is proposed to add the language which is printed in bold face type, and to delete from existing provisions the language which is set forth in italics within parenthesis.

the Committee, as to warrant possible disciplinary action by the State Bar; and to cooperate with the State Bar in the prosecution of disciplinary proceedings arising from matters so reported by the Committee;

(d) To consider all information as to the professional conduct of any member of the Association and to proceed in accordance with rules adopted and approved as provided in subparagraph (e) hereof, either upon the Committee's own motion or upon complaint preferred; and after a hearing thereon, the Committee may recommend to the Board of Trustees public or private censure or suspension or expulsion of such member. The Committee's report to the Board of Trustees recommending censure, suspension or expulsion of any member shall include written charges against the member as provided in Article VII. Unless otherwise ordered by the Board of Trustees, all proceedings of the Committee under this section (d) shall be secret;

(e) To adopt such rules as the Committee may deem desirable concerning the methods and procedure to be used in expressing opinions, in making investigations, in the hearing of complaints, the taking of testimony, and all other proceedings of the Committee. Such rules shall not become effective until approved by the Board of Trustees.

(2) It is proposed to amend Article VII of the By-Laws to read as follows:

Article VII. CENSURE, SUSPENSION AND EX-PULSION. Any member of the Association may be censured, suspended or expelled by the Board of Trustees by the affirmative vote of not less than (*six (6)*) a majority of the members of the Board, for any violation of the Code of Ethics of this Association or for other good cause. Before any such action may be taken, written charges must be filed against the member and written notice of the proposed hearing on such charges must be given to the member charged, at least ten (10) days before the date of such hearing. At any such hearing, the member charged shall be given an opportunity to be heard and to present evidence in answer to such charges.

The disbarment or suspension from the practice of law of any member shall *ipso facto* terminate his membership in this Association.

Respectfully submitted,

Wm. T. Coffin	Charles E. Millikan	Clore Warne
Geo. W. Dryer	Hon. William J. Palmer	Pierce Works
Peter D. Knecht	Edwin W. Taylor	

(7.) To Enlarge Scope of Plebescite:

TO THE BOARD OF TRUSTEES OF THE
LOS ANGELES BAR ASSOCIATION,
1124 Rowan Building, Los Angeles, California.

GENTLEMEN:

With respect to the objects of the Bar Association, Section 2 of Article II of the Constitution states:

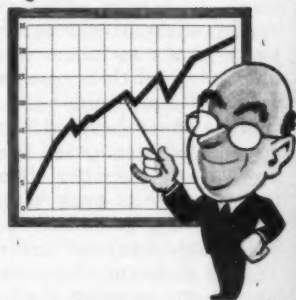
"It shall not take any part in partisan politics nor recommend any person for any political office other than a judicial office. It may recommend persons for election or appointment to judicial office and take part in campaigns for such election to such offices in such manner as may be provided by the By-Laws."

The undersigned members feel that the plebiscite provided for in Article IX of the By-Laws should afford a positive instrumentality through which the Association can actively work to assure the election and appointment on all occasions of lawyers of ability and integrity to judicial office.

Accordingly, the following amendments to the By-Laws of the Los Angeles Bar Association are hereby respectfully proposed and submitted to the Board of Trustees pursuant to the provisions of

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Article X of the By-Laws, with the request that the Board of Trustees notify the membership that the sponsors of the proposed amendments will move the adoption thereof at the next meeting of the Association.

It is proposed to amend Article IX of the By-Laws, entitled "Concerning Judicial Candidates", to read as follows:

ARTICLE IX

CONCERNING JUDICIAL CANDIDATES

Section 1. The Standing Committee on Judicial Candidates and Campaigns (*heretofore*)* created under this Section prior to this amendment is (*shall be*) continued, the members thereof to hold office for the terms for which they were appointed. Upon the expiration of the term of each member, his successor shall be appointed for a (*period*) term of six (6) years. Such appointment shall be made by an Appointing Board composed of the President of the Association, the ten (10) past presidents next in order who reside and practice law in the County of Los Angeles, and the Presidents of the Affiliated Associations as defined by Article VI of the By-Laws. The Appointing Board shall meet at the call of the President or of any three (3) members.

As soon as the list of candidates for any election for judges of the Superior Court of the County of Los Angeles, or of the Municipal Court of the City of Los Angeles, is (*shall have been*) determined by the filing of petitions, or otherwise as the law may require, it shall be the duty of the Board of Trustees to determine, by majority vote, whether the Committee on Judicial Candidates and Campaigns shall conduct a plebiscite on the judicial candidates. Such determination shall be publicly announced forthwith. If the decision is in favor of conducting a plebiscite, then and thereafter it shall be the duty of the Committee:

(a) To cause to be prepared and mailed to every member of the State Bar of California living in Los Angeles County and judges in Los Angeles County a list of all candidates for each office, in such form as may be prescribed by the Board of Trustees, with request to said members (*of the Los Angeles County Bar*) and judges to express an opinion (*upon the qualifications of*) as to the qualification of the respective candidates appearing on said (*ballot*) list, and further requesting that said (*lawyers*) members and judges so addressed, after marking said ballot, return same, within a time to be fixed by the Committee, to the office of the Los Angeles Bar Association; after said time has expired for the return of said ballots, the same shall be canvassed as directed by the Committee and the results thereof made public by said

Committee in an announcement which shall record an endorsement by the Los Angeles Bar Association for the candidate for each office who receives the largest number of ("qualified") votes; (*provided, however, that in the event no candidate for an office receives a greater number of "qualified" votes than "unqualified" votes, then no endorsement shall be made for that office.*). **No ballot will be counted unless it be so marked as to indicate the voter's choice of a candidate for each office appearing on said ballot.**

(b) Prior to the mailing of the ballots as in subdivision (a) set forth, to request in writing from the candidates for each office on which there is a contest that a biographical sketch be submitted, which sketch (*shall be released by the Committee to legal publications in the County of Los Angeles, for publication, without expense to the Association, concurrently with or prior to the mailing of the ballots as herein provided for, and to send with each ballot the list of the publications and their dates of publication in which said biographical sketches appear*), or all or any part of the information therein set forth, together with any other matters of fact relating to any candidate which the Committee shall deem of assistance to voters in the plebiscite, shall be publicized at such time and in such form and manner as the Committee shall consider proper.

(*e*) *In the event a vacancy occurs upon the Superior Court of Los Angeles County or the Municipal Court of the City of Los Angeles, by reason of death, resignation or other cause, and a list of those being considered by the Governor for appointment to said vacancy is furnished to the Association for the purpose of the Association taking a plebiscite to be used in assisting the Governor in making said appointment, the Board of Trustees may conduct a plebiscite among the members of the State Bar and judges in Los Angeles County for the purpose of determining the qualifications of the respective candidates and submit the results of said plebiscite to the Governor. In taking such plebiscite, the Board of Trustees may determine the form of ballot to be used and procedure to be followed.*)

Section 2. Following completion of each plebiscite, the Association, through a special campaign committee to be selected by the Appointing Board hereinabove provided in Section 1, shall conduct a campaign in the ensuing primary and general elections in favor of all candidates

*Note: By the amendments, it is proposed to add the language which is printed in black face type, and to delete from existing provisions the language which is set forth in italics within parenthesis.

endorsed for election as a result of such plebiscite. Such campaign shall be non-partisan in nature and shall include a thorough dissemination to the voters of the qualifications of the candidates endorsed, and such other facts as the special campaign committee shall deem advisable.

Section 3. The funds with which to defray the expenses of each such campaign shall be raised in such manner as the special campaign committee shall decide. All or any part of the expenses of such campaign may be defrayed through contributions made directly to the special campaign committee by lawyers and others. So far as possible, the identity of all contributors shall be kept without the knowledge of any candidate for judicial office.

Section 4. It shall be one of the rules of the plebiscite that each person voting therein agree, as a condition of his participation in the plebiscite, that he will not provide any financial or other support in the ensuing campaign to any candidate for judicial office who shall have failed to receive the endorsement of the Bar Association as a result of the plebiscite; and each ballot used in the plebiscite shall contain a statement to the effect that the voter's participation, by casting a ballot therein, shall evidence his agreement to be bound by this and other rules of the plebiscite.

Section 5. Whenever a vacancy shall exist as to any judicial office and there shall be more than one candidate for election or appointment to such office, as the case may be, and the Board of Trustees shall by majority vote so direct, a plebiscite shall be taken and a campaign intended to ensure the election or appointment of the Bar Association-endorsed candidate shall be conducted as in this Article IX provided.

Section 6. The phrase "judicial office" as employed in this Article IX refers to any office directly connected with

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or concerned in the administration of justice, whether such office be filled by election or by appointment, and shall be deemed to include specifically the office of: (1) Judge or Justice of any court of the United States; (2) United States Attorney for the Southern District of California; (3) Judge or Justice of any court of the State of California; (4) Attorney General of the State of California; (5) District Attorney of Los Angeles County; (6) County Counsel of the County of Los Angeles; (7) City Attorney of the City of Los Angeles, or of any other municipality within the County of Los Angeles.

Sponsored by Board of Trustees of Los Angeles Bar Association.

Article XI of the Constitution and Article X of the By-Laws provide that, upon the consideration of any proposed amendment at any meeting, "amendments thereto on the same subject may be offered, voted upon and adopted at the same meeting without previous notice."

Respectfully submitted,
ALEX W. DAVIS, *Secretary.*

**NOTICE OF ELECTION OF NOMINATING
COMMITTEE AT NOVEMBER 17, 1943,
LUNCHEON MEETING**

Pursuant to the By-Laws of the Association a Nominating Committee of fifteen must be elected at the November Meeting, which will be held in the Ballroom of the Biltmore Hotel on Wednesday, November 17, 1943, 12:15 P. M. This Committee will then nominate candidates for offices to be filled in 1944, said candidates to be voted upon by the general membership in January, 1944.

It is the desire of your Officers and Board of Trustees that a free hand be exercised in nominating members to the Nominating Committee. You are urged to be present and to participate in selecting the Nominating Committee.

D O N ' T



FORGET

B U Y N O W

BY THE BOARD

Federal Criminal Defense Committee: Early in 1942 the Association's President submitted to the U. S. District Judges of this District, a panel of bar members willing to serve, by court appointment, as counsel for indigent defendants in criminal causes. This plan of having attorneys subject to call in such matters, did not work out satisfactorily, and recently the suggestion was made by Judge Hall that an active bar committee, with a chairman charged with the responsibility for one or more members to appear during arraignments each Monday would better serve the judges in such cases.

Some time ago the Board of Trustees adopted a resolution approving in principle, the appointment of public defenders in Federal Courts, a Bill for which is pending in the Congress.

Until such time as public defenders are provided for, President Mathes inquired of Judge McCormick, Senior Judge, if an active committee such as had been suggested would serve the convenience of the Court. Judge McCormick replied that the President's letter had been read to the District judges at meeting on September 24th, and the suggestion had been enthusiastically and gratefully received.

Consequently, the Board, on October 13th, adopted a resolution authorizing the President to appoint a special committee, to be known as the "Federal Court Criminal Defense Committee," Maurice Norcop, chairman, with the duty:

(a) to serve, by court appointment, as counsel for indigent defendants in criminal causes in the United States District Court for the Southern District of California;

(b) to maintain a continuing study, in collaboration with the Committee on Legal Aid Work of this Association, of the administration of justice in the Federal Courts as it affects indigent persons in this community; and

(c) to make periodical reports of the activities of the Committee to the Board of Trustees.

The following were appointed on the Committee:

Donald Armstrong	William B. Beirne	Edwin C. Boehler
Harry Graham Balter	Abbott C. Bernay	David H. Cannon
Frank J. Barry	Henry G. Bodkin	Sidney A. Cherniss

Otto Christensen
 Wm. Harrison Campbell
 Burton Briggs Crane
 Dan Critchley
 Thomas P. Cruce
 Robert Winfield Daniels
 Peter V. Davis
 Otto J. Emme
 Wm. R. Gallagher
 Guy T. Graves
 Mark L. Herron
 Vincent C. Hickson
 Thomas Higgins, Jr.
 Fred Horowitz
 Charles J. Katz
 Michael G. Luddy
 Donald Mackay
 Ivan G. McDaniel

James E. Neville
 Lloyd S. Nix
 Hon. Isaac Pacht
 Ames Peterson
 Gwyn S. Redwine
 Baldwin Robertson
 Daly B. Robnett
 J. E. Simpson
 Louis B. Stanton
 Robert J. Sullivan
 Roland G. Swaffield
 F. C. Weller
 John L. Wheeler
 J. Marion Wright
Board of Trustees Member,
 and
 Maurice Norcop
Chairman

COOPERATION AND COORDINATION

The BAR BULLETIN for October, at page 72, contains the correspondence between President Mathes and Frank B. Belcher, then President of the State Bar, in response to the request of the Board of Governors for suggestions "as to how the State Bar may be of assistance to local bar associations in meeting their problems and of ways and means of continuing and developing cooperation and coordination between the associations and the State Bar." In July of this year the new president of the American Bar Association, Joseph W. Henderson, Esquire, of Philadelphia, addressed to the president of our Association a similar request for suggestions. Mr. Henderson's letter and Mr. Mathes' reply, printed herewith, should be of interest to the members of the Association.

WM. C. MATHES, *Esq., President*
 LOS ANGELES BAR ASSOCIATION
 Los Angeles, California

July 21, 1943

Dear Mr. Mathes:

We desire that the American Bar Association be of the utmost aid and benefit to your Association. Will you, frankly, and as promptly as possible, advise me, as the incoming President of the American Bar Association:

1. In what manner can the A.B.A. do the most effective work in the coming Association year, to aid your Association and

- to aid the American Bar Association?
2. What are the most important things that the A.B.A. can do to help the practicing lawyer?
 3. What are the most important things that the A.B.A. can do to help the profession?
 4. What are the most important things that the A.B.A. can do to help the administration of justice?
 5. In what matters, for the benefit of the public, should we be interested?

Of course, all of the foregoing information is predicated upon the assumption that the most important thing for all lawyers and all associations, at present, is to go all out, as we have been doing, for the war; but some day the war will be over, and even during it lawyers still must practice, established institutions must continue and we must consider the best manner of conducting those institutions and what they are going to do during the war and after the war is over.

We would appreciate receiving your reply to this letter at your convenience, but trust you will find it convenient to do so prior to the annual meeting in August, so that we may have an opportunity of studying your suggestions.

Sincerely yours,
J. W. HENDERSON

Mr. Mathes' reply is dated August 18, 1943:

JOSEPH W. HENDERSON, *Esquire*
c/o AMERICAN BAR ASSOCIATION,
Chicago, Illinois.

Dear Mr. Henderson:

I am glad your letter of July 21st has compelled me to put into words my conception of the more pressing problems with which the organized bar—national, state and local—should be concerned. Having now served almost half of a swiftly-fleeting term as president of the Los Angeles Bar Association, the questions you raise have been much in my mind.

By your leave, I shall respond only to your third question—"What are the most important things that the American Bar Association can do to help the profession?"—since the answers I offer to that will include any views I might express with respect to the others. And although the length of this letter may tend to negative the existence of any such good intent, I will do my best to confine supporting comment to such statements as seem essential to adequate exposition.

(1) I think the most important immediate objective of the organized bar should be the improvement—modernization if you please—of existing methods of judicial administration in all of our courts. We continue to deplore and view with alarm the inroads

of so-called "administrative agencies," but it seems patent that the present tendency of legislators to provide a resort to some form of executive administration, as a medium for settlement of controversies, must be largely attributed to the long neglect of our profession—both bench and bar—to modernize judicial administration.

Existing methods for the dispatch of judicial business are essentially what they were before the advent of the telephone, the automobile, the radio and the airplane. Of all present-day institutions, it seems that our courts alone continue in effect to ignore the 20th century revolution in communication and transportation.

Improvement in methods of judicial administration must, so it seems to me, be the organized bar's first answer to the problem of preventing further unnecessary—and, for our body politic, dangerous—resort to the now comparatively efficient methods of modern-day executive administration.

(2) Hand in hand with improvement in methods of judicial administration, the influence of the organized bar should be applied to lift those special taxes, in the form of filing fees and the like, which generations of legislators have piled upon disputants who resort to the courts. Obviously, many of these fees should be borne by society as a whole in the general support of its courts. Surely this view must be sound, if modern statutes permitting disputants to resort to an agency of executive administration are a proper criterion; for many of these "administrative agencies" not only charge no fees, but also furnish forms for pleadings and bear the expense of preparing, issuing, serving and executing their various forms of process.

(3) Another immediate objective of the organized bar—corollary to the first—should be to solve the problem of automobile casualty cases. Laymen simply cannot understand why John Smith is awarded \$500 for a broken arm, while Richard Roe gets nothing. I have never been able to explain it myself, except to say that the system under which we operate in this field is just as archaic as the old doctrine which precluded recovery by an employee because of the fellow-servant rule. If the organized bar would take the forthright initiative in dealing with this problem, I am confident a system could be devised which would preserve the age-old prerogatives of lawyers, and at the same time assure the injured member of society a compensation commensurate with his injury, notwithstanding the doctrine of contributory negligence. If the organized bar fails to advance a real solution of the problem, it would seem a certainty that in time we shall see this field removed from the jurisdiction of the courts and placed in the hands of some hastily devised administrative agency.

(4) I believe that foremost among the long-range objectives of the organized bar should stand the constant goal of equal justice

under law, and that this ideal can be approached through never-ceasing efforts to improve the administration of justice; that apart from improvement in methods of judicial administration, the most important specific means to this end lies in improved methods of judicial selection, increased judicial salaries and security of judicial tenure; for no matter how perfect our laws, no matter how ideal our methods of procedure, the quality of justice administered under law will, ex necessitate, depend upon the quality of the human being—the judge—engaged in administering it.

If we really believe this, there appears no reason why the organized bar—national, state and local—cannot now make this a prime long-range objective, start to work on it with our resources and our energies, and keep enthusiastically at it state by state until the best possible job is done.

(5) Next in importance, as a long-range objective to be immediately undertaken, is the duty of the organized bar to bring home to Americans, including ourselves, the realization that individual liberties are inseparably tied up with a government of law; that political equality can never include equality of economic status, but can and should include equality of economic opportunity; that economic justice can and must be achieved without destroying the political equality so essential to the democratic way; that political equality imports the right of every citizen to express his will at the

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ballot-box; that workable democracy requires true tolerance of the rights and views of every citizen—regardless of race, color or creed—and sportsmanlike acceptance by the minority of the will and decision of the majority; that accompanying the rights of American citizenship are certain definite, correlative duties—the most immutable among which is the duty to exercise the elective franchise as intelligently as possible at every election.

It would seem that if proper source material were prepared, the organized bar could well undertake this educational campaign through speaking, essay and other contests in the public schools throughout the country. As I see it, the organized bar can have no greater duty than to teach the American people the real distinction between a government of laws and a government of men—the worth-dying-for difference between a government according to legal standards and a government according to the whim and caprice of a dictator in power.

We know that the common-law system of reasonably predictable, individual justice stands foremost among those accomplishments which warrant the claim of English-speaking peoples to world leadership. But we must teach the American people what it means to have a system whereby to measure lawfulness of conduct by principles, rather than according to the personal notions of the judge.

As an invaluable by-product of the great public good to be accomplished through such an educational campaign, the American people would, I am confident, come to understand how it is that lawyers—men trained in the common-law technique of objective thinking—alone are qualified to apply the objective standards so essential to administer justice under law. And I think it safe to say that, once they come to such an understanding, the American people will insist that our courts, our commissions—every tribunal set up to measure and judge human conduct—be manned by lawyers trained in the common law.

(6) Of paramount importance, I think, is the great need for the organized bar to work actively and consistently, at all times and on all occasions, for unimpeachable integrity in public office—and throughout our profession. As a necessary corollary to this policy, the organized bar should declare that among the primary responsibilities arising from the attorney-client relationship is the attorney's constant duty to be the client's guide, rather than his tool. True, a member of our profession is not the guardian of his client's morals; but there should be no ethical excuse when a lawyer does for his client things he would never think of doing for himself.

(7) The organized bar should devise some formula to accord only a modified professional status to those lawyers who choose to become full-time employees of a lay person, a lay firm or a corporation. No argument is required to convince that wherever the

relation of servant-master is superimposed upon that of attorney-client, the true professional relationship is necessarily diluted and frequently subverted. Irrespective of the relationship in fact, I have never been able to perceive how a true relationship of attorney and client could, in legal contemplation, co-exist with a full-time relationship of servant-master.

Viewed realistically, the problem here suggested threatens in time the very existence of lawyers as a profession. Various organizations now employ us in increasingly large numbers, forcing us to drop the professional role for that of a mere technical employee. The organized bar should, I think, start now to discourage members, from thus incapacitating themselves as professional men.

From another standpoint, it seems manifestly unfair to permit a member of the bar, who is a full-time employee of his "client," to enjoy the same professional status as the member who holds himself in readiness to assume a true professional relationship.

(8) The organized bar should devote all necessary resources toward the establishment and maintenance of adequate legal aid clinics, so as to assure the poor of our country the same justice as those who find themselves in more favorable financial circumstances. Nothing the organized bar could do would more quickly enhance public confidence in the profession, and in the administration of justice, than to demonstrate throughout the country that persons without means to pay for the services of a lawyer need never suffer unjustifiably a denial of legal right or a deprivation of legal remedy, solely because of financial circumstance.

(9) Next, I think the organized bar should tell the public, by means of newspaper advertising and through other media of publicity:

(a) Why legal problems should always be taken to lawyers;

(b) That lawyers are better qualified than laymen, both by training and experience, to deal with legal problems, and thus protect valuable rights and interests of the lay public;

(c) That the cost of consulting a lawyer at the outset, immediately a legal problem arises, is comparatively negligible; and

(d) That the bar in general always stands ready to render legal service to all persons for fees in keeping with their incomes; just as lawyers always render legal aid to indigent persons without any charge whatever.

I think also that the organized bar should encourage the maintenance by local associations, wherever feasible, of lawyers reference services—designed to enable those, who are not acquainted with a member of the profession, to choose a lawyer willing to serve them for a fee within their means.

The Committee on Ethics and Grievances of the American Bar

Association has expressed the opinion that such group advertising is ethically proper, and reference services are now operating, in a relatively minor way, in Chicago, Los Angeles, and a few other cities.

Three main ideas underlie the plan of operation of such a reference service:

First: Legal advice and service of every character is worthy of a reasonable fee, and a charge therefor should be made, except to indigent persons;

Second: Any layman who is able to pay a fee, however small, but is ineligible for legal aid, deserves an opportunity to secure the services of a lawyer willing to serve him in return for such fee as he is able to pay; and

Third: The local association will have performed a real public service, if the reference service accomplishes nothing more than the introduction of the layman to some competent lawyer.

(10) An administrative problem of first importance awaiting solution by the organized bar is that of devising ways and means to coordinate the work of the American Bar Association with that of the various state and local bar associations, and vice versa.

Due largely to the fact that, relatively speaking, committees of the national association do not know what comparable segments of state and local associations are doing, and vice versa, there is a needless waste of time and treasure through duplication and lack of continuity of effort. I believe many committees of the national association could accomplish more by working through corresponding committees of state and local associations, and by devoting their efforts largely toward coordination of the work in all three spheres. If that could be done, each would know what the other is attempting, long-range objectives could be envisioned, and national, state and local committees would be encouraged to pursue those objectives year after year until attained.

(11) The organized bar should of course aid in winning the war and the peace. While individual lawyers will continue to serve in many roles during wartime and the peace to follow, I think the organized bar could make no greater contribution than to undertake now—in a thoroughly realistic fashion—the tremendous task of modernizing judicial administration in all of our courts, and otherwise improving the administration of justice, lest the boys now abroad conclude upon their return that the thing—equal justice under law—for which they fought, does not even exist at home.

I hope you will find some "wheat" in all that I have written. On the basis of volume alone, there may be one grain. You have no doubt thought of all the matters I've mentioned, and many more, but if you should wish to "hear me" further on any of these

points, I shall be glad to expand these views to the best of my ability.

Better still, I hope you will come to Los Angeles at some early date, so we can discuss bar problems in person. The Los Angeles Bar would be proud to hold a meeting in your honor.

Please do not consider this an expression of the views of the Los Angeles Bar Association, but merely as my own personal opinions.

With great esteem and all good wishes.

Faithfully yours,

WM. C. MATHES, *President.*

AMENDMENT TO CANON 27

CANON 27 of the Canons of Professional Ethics of the American Bar Association, which prohibits the solicitation of professional employment and governs the information which may be published in reputable law lists, was amended at the recent meeting of the Association. The amendment adds to those data already listed as permissible "the names and addresses of references." (See A.B.A. Journal, October, 1943, p. 589.)

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WITH THE COMMITTEES

By Samuel Maidman, of the Los Angeles Bar

IT IS almost axiomatic that bar association committees generally take a long time getting their activities under way. As a matter of fact it can be fairly stated that some committees hardly get going before their term has expired, a new President installed, new committees named, and a repetition of inactivity ad infinitum.

However this may, be the Managing Committee of the Bar Association by reason of its noteworthy program of lectures on Practice of Law before War Agencies just recently concluded has blazed a trail for other committees to follow in their programing.

After careful planning and obtaining experts in different fields as speakers the Committee arranged the series of lectures herein outlined, which drew capacity attendance at the meetings.

Monday, October 11—The Lawyer and War Agencies, with Special Reference to the War Production Board,
—*Alexander Macdonald*, formerly Deputy Regional Director, War Production Board, in charge of Los Angeles Area; member of firm of Macdonald and Pettit.

Monday, October 18—Legal Problems Incident to Price Control,
—*Frank S. Balthis*, Southern California Director, Office of Price Administration.
The Law of Landlord and Tenant Under OPA Regulation,
—*Stanley Howell*, Chief Rent Attorney, Los Angeles District Office, Office of Price Administration.

Monday, October 25—Procedure in Contested Hearings before War Labor Board,
—*Professor William E. Burby*, University of Southern California, School of Law.
Procedure for Wage and Salary Adjustments under Wage Stabilization Act.
—*W. B. Carman, Jr.*, member of firm of O'Melveny & Myers.

Monday, November 1—Procedure Incident to Renegotiation of War Contracts,
—*George Bouchard*, Chairman of the Price Adjustment Bureau of the Air Forces, Western Procurement.

While a digest of Mr. Bouchard's lecture and the full text of all others have appeared in the *Los Angeles Daily Journal*, some of the pertinent extracts from the lectures are set forth herein as illustrative of the wide field of practice and procedure which was exhaustively discussed:

By **Alexander Macdonald:**

"It will be observed that the Compliance Division of the W.P.B. follows a pattern of other administrative agencies in one particular, namely, it acts as both prosecutor and judge. It is not its policy, however, to engage in witch hunts. Its sole concern is to see that priorities, rules and regulations are observed. The W.P.B. is convinced that if it did not exercise the power to cause the punishment of the violators of its regulations the whole priorities system would break down.

In the majority of compliance cases the respondent is not represented by counsel . . . since the manufacturer realizes that the solution of his particular case is a practical one, that it would not be viewed in a technical light, and that the Compliance Division of the W.P.B. was not disposed to seek harsh punishment that would interfere with the war effort."

By **Frank S. Balthis:**

"The statute does contain certain standards to guide the Price Administrator. Thus as far as practicable the Administrator shall give consideration to prices prevailing between October 1 and October 15, 1941. In issuing regulations, the Administrator is required to set forth a statement of the considerations involved. Parenthetically, those of you who are considering various specific price regulations will find it helpful to read the statement of consideration, as it will give you the rationale and the purposes of the particular regulation.

"It is also provided that where practicable, the Administrator will consult with an Advisory Board before the actual issuance of the price regulation."

By **Stanley Howell:**

"It seems clear that where a complaint in unlawful detainer presents a situation covered by the rent regulations but fails to show compliance therewith, a general demurrer to the complaint should be sustained. The complaint just doesn't state a cause of action under such circumstances. Most courts have taken this position although some of them have hesitated to do so, when the defect in the complaint involves merely a failure to allege a required procedural step had been taken, as, for example, service of a copy of the notice upon the Area Rent Office as required by the Rent Regulation for Housing."

By **Professor William E. Burby:**

"Before the hearing the Panel members, or Disputes Offi-

cer, will have studied the briefs. The purpose of the hearing, consequently, is not to provide an opportunity for the repetition or argument already made in the briefs. Rather it is to permit the parties to clarify their points, answer questions and reply to opposing arguments. The parties may be permitted to substantiate facts alleged in their briefs by the use of witnesses and to present new facts, exhibits or argument. Since agreements are sometimes arranged directly across the table the representatives of the parties must be fully authorized by their principals to enter into final agreement. These Panel hearings are open to the public."

By **W. B. Carman, Jr.:**

"The agencies, certainly in this area, accept seriously their responsibility to stabilize wages and salaries, and to hold a line against inflation. They will not willingly permit anyone to engage in a wildcat auction for the scarcest of essentials—labor.

On the other hand, even though the limits are strict, there are many avenues to be explored. One important one today is the adoption of incentive plans. They must receive Board approval, but the attitude of the Board, expressed in the recent *Grumman* case, is apparently of a bride—hesitant hopefulness. The incentive plan is a dangerous tool in unskilled hands as many managements have learned, but a well prepared and sound plan will probably be approved and may solve some of the major problems of getting and keeping labor."

By **George Bouchard:**

"In my opinion the law of renegotiation of war contracts will not be repealed. It serves a very useful purpose, and is in line with the history of all wars in which the United States participated. It was ever the problem of keeping the costs of war down. In the present war contractors are fairly treated by the government contract negotiators. Many factors are taken into consideration in determining if there is an excess returnable to the government. There is a definite place for lawyers in the process of renegotiation as it is important that all the facts be clearly stated and the case involved fully presented. This encourages speedy settlements fairly arrived at."

Under the chairmanship of William W. Clary the Managing Committee of the Bar Association Roundtable has performed a notable piece of work. The success with which the program met unquestionably will result in future programs on other timely and controversial questions that confront the bar and the public. Special commendation should also go to the other members of this committee, whose personnel is as follows: Harold A. Black, Hon. Lester W. Roth, James C. Sheppard, Harry J. McClean and Dean F. Johnson, Secretary.

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